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Class 5685

Book 3502

KANSAS—THE LECOMPTON CONSTITUTION.

SPEECH

OF

HON. G. A. GROW, OF PENNSYLVANIA.

Delivered in the House of Representatives, March 25, 1858.

Mr. GROW said :

By the third section of the fourth article of the Constitution, it is provided that "new States may be admitted by the Congress into this Union." Under that clause, eighteen States have been added to the Union since its formation; thirteen with and five without an act of Congress authorizing the formation of a State Government. But in every application, whether with or without an enabling act, the first and most important question for the determination of Congress is, whether the Constitution presented embodies in its essential features the will of the people to be affected by it. If it does not, then it should be rejected, no matter what the authority or mode of its formation. The people of a Territory have the right, like any other portion of the American people, under the first clause of the amendments to the Constitution, to petition the Government at all times, and it is in the discretionary power of Congress to grant their prayer or not. The application of a people for admission as a State is, in all cases, in the nature of a petition. An enabling act is not, therefore, absolutely necessary for the people of a Territory, before they can proceed to form a Constitution and State Government, in order to apply for admission into the Union. Yet, as the Territorial Government is established by Congress, it cannot be superseded by any other Government without the assent of Congress. It is not, however, material whether that assent be given before or after the action of the people of the Territory.

I take this occasion, in passing, to express my obligations to my colleague, [Mr. PHILLIPS.] for the notice and importance which he attached to my views on this point, expressed by me in the last Congress. As he quoted them with approval, I am rejoiced to know that he and his political associates still adhere to one doctrine of the Jackson Democracy, and I hope that they may yet return to the principles and teachings of Jefferson and the fathers of American Democracy, from which, within the last few years, they have so widely strayed.

The great question which presents itself in this case is, does the Constitution meet the will of the people who are to be affected by it? That has been the first and the controlling question in the action of Congress on every application for a new State in the history of the Government. In the case of Michigan, she came here against the forms prescribed for her action; yet Congress took the will of the people, and set aside all formalities.

In the case upon which we are now called to act, we have only the form of a Constitution presented by one man, and the argument of the President in its favor; while the people of Kansas, who are to be effected by it, protest against admission into the Union under it in every form by which they can make their will known.

The entire history of the Lecompton Constitution proves that a large majority of the people of Kansas are opposed to it. The evidence of this fact, in the possession of the House, is the remonstrance of its citizens laid upon your table, the protest of the State officers elected under this Constitution, also of the Delegate on this floor; the resolutions of the Legislative Assembly, and the vote of the people on the 4th of January. In all the reliable information from the Territory, there is but one opinion expressed as to the opposition of the people to this Constitution. Gov. Walker, in his letter to General Cass, says :

"I state it as a fact, based on a long and intimate association with the people of Kansas, that an overwhelming majority of that people are opposed to that instrument; and my letters state that but one out of twenty of the press of Kansas sustain it." * * * "Indeed, disguise it as we may to ourselves, under the influence of the present excitement, the facts will demonstrate that any attempt by Congress to force this Constitution upon the people of Kansas will be an effort to substitute the will of a small minority for that of an overwhelming majority of the people of Kansas."

Governor Stanton corroborates this statement, and adds :

"It can only be maintained by the arms of the Federal Government forcing the Constitution upon the people against their declared will, and against every principle of republicanism, democracy, right, and justice."

The State officers elected on the 4th of January last, under this Constitution, protest in the following language :

"We, the officers elected under said Constitution, do most respectfully and earnestly pray our honorable bodies not to admit Kansas into the Union under said Constitution, and thus force upon an unwilling people an organic law against their *express will*, and in violation of every principle of popular government."

We also have the resolutions of the Legislative Assembly of the Territory, passed on the 12th of January, declaring

"That the people of Kansas being opposed to said Constitution, Congress has no rightful power under it to admit said Territory into the Union as a State; and we, the representatives of said people, do hereby, in their name and on their behalf, solemnly protest against such admission."

And on the last day of its session, the Legislature passed, unanimously, the following resolution :

"That we do hereby, for the *last time*, solemnly protest against the admission of Kansas into the Union under the Lecompton Constitution; that we hurl back, with scorn, the libellous charge contained in the message of the President accompanying the Lecompton Constitution, to the effect that the freemen of Kansas are a lawless people; that, relying upon the justice of our cause, we do hereby, in behalf of the people we represent, solemnly pledge ourselves to each other, to our friends in Congress and in the States, our lives, our fortunes, and our sacred honors, to resist the Lecompton Constitution and Government by the force of arms, if necessary; that, in this perilous hour of our history, we appeal to the civilized world for the rectitude of our position, and call upon the friends of Freedom everywhere to array themselves against the last act of oppression in the Kansas drama."

Thus have they protested in every form known to the organism of our Government. And last of all, they protested at the ballot-box, with over ten thousand voices. On the 4th of January last, a vote was ordered to be taken for and against this Constitution, by the Legislature, which is recognised as valid by all parties in the Territory, and by the President, in declaring to Gov. Denver that the people must be protected in voting for or against the Constitution on that day. Almost eleven thousand voters protested then against that Constitution, as not embodying their will. On the 21st of December, the vote was only six thousand five hundred and twenty-six, half of which has been proven fraudulent by the investigating committee ordered by the Legislature; so that not more than three thousand legal votes were cast on the proposition then submitted, leaving a majority of from seven to eight thousand against this Con-

stitution. Yet we are asked to enact it into the organic law of the people, and to institute under it a State Government, of officers elected by fraud. We are asked to cast aside the vote of the people on the 4th of January, because they did not vote at the preceding elections.

That election, it is said, was illegal, though it is not denied that it expressed the popular will; but that the people could not vote on their Constitution at any other election than the one fixed by the delegates to the Convention. It was the same legislative power that fixed the election of the 4th of January that called the Convention, with the exception that the Legislature that fixed the election derived its power from the people, while the one that called the Convention was a usurpation. But, treating them both as valid, the last one had as much power as the first, and was the legislative power of the Territory, and must continue to be till it is superseded by some Government, with the consent of Congress. Until that time, it has full legislative power to enact, repeal, or modify any existing laws of the Territory; and if the Lecompton Convention prevents that, then, in the language of the President, it would be rebellion—for the Territorial Government would be superseded without the consent of Congress. Why does he not send his army to put down this Constitution and its supporters, as he did to put down the Topeka party on the 4th of July, 1856? If the Territorial Legislature does not possess the legislative power of the Territory, then the people have parted with their sovereignty irrevocably, for four months, or until the action of Congress upon this Constitution. If so, they could as well part with it forever, and thus your reason would subvert all the maxims of our system of Government. The time and mode of voting on the 4th of January was established by the legislative authority of the Territory, an authority as valid and as legal as was the same authority in calling the Convention.

It is argued, that though this Constitution does not embody the will of the people, yet they must submit to it, because they did not vote before its formation, though they did afterwards. It is a new and strange doctrine, that the people of this country, who are the depositaries of the sovereignty of the Government, have not the right to vote upon the same subject to-morrow, because they refuse to go to the polls to-day. It is one of the rights of American citizens to absent themselves from elections if they choose; and I grant you that, when all have the privilege of voting, those who do not vote must submit to the action of those who do. But when the majority do vote, where is the reason for turning a deaf ear to their voice? If the people withhold their votes at a primary election, does that deprive them of the right to vote upon the great question of what shall be their fundamental law? They did vote on the 4th of January; and why disregard the will of the people, fully expressed at the ballot-box? This is not a question of whether the minority shall control the State because the majority have not voted; for in this case they went to the polls and did

vote. But you say they shall not vote to-day, because they refused to vote yesterday. That is a matter which does not concern you. The people themselves are the ones to decide under what circumstances they will vote, or withhold their votes. They voted at the first election held in that Territory, at which a fair expression of the public will could be given.

At the election for the call of a Convention, the test oaths were upon the statute-books of Kansas, which would disfranchise all who would not submit to degradation; all the tests and laws which were declared by Gen. Cass, in the Senate, to be a "disgrace to the age and the country." Senator Bayard said they were "shocking to the moral sense;" and Senator Weller, that they were "infamous in their character," "in violation of the Constitution," and "revolting to every feeling of humanity." Mr. Clayton denounced them as "unjust, iniquitous, oppressive, and intamous laws."

These test laws were thus denounced upon the floor of the Senate of the United States, by men who could not be charged with fanaticism. No one, then, could vote on the call for the Convention, who was not ready to submit to those test oaths; and but 2,679 votes were polled for the Convention, though the Delegate to Congress, at the same election, received 4,276. These test oaths were repealed, it is true, before the election of delegates; but in the election of delegates, half of the counties were disfranchised, and that, too, by no fault of theirs. Fifteen of the counties were entirely disfranchised, and four others partially. Governor Walker, in his letter to General Cass, of the 15th December, 1857, says:

"In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates, based upon such census. And in fifteen of these counties there was no registry of voters. These fifteen counties, including many of the oldest organized counties of the Territory, were entirely disfranchised, and did not give and (by no fault of their own) could not give a solitary vote for delegates to the Convention." * * *

"In fifteen counties out of thirty-four, there was no registry, and not a solitary vote was given or could be given for delegates to the Convention in any of these counties."

Governor Stanton, in corroboration of this statement, in his address to the people of the United States, says:

"The registration required by law had been imperfect in all the counties, and had been wholly omitted in one-half of them; nor could the people of these disfranchised counties vote in any adjacent county, as has been falsely suggested."

But it has been urged, by the advocates of Lecompton, that the disfranchisement of these counties was the fault of the voters themselves in not being registered; that after the census was taken, an opportunity was given for correcting the list. But how correct a list, where there is none? And the voters who were disfranchised had no opportunity to put themselves upon the list, for no registry was made, and no

correction could be made until there was a registry.

Mr. CLEMENS. I wish to ask the gentleman if the law does not require that the list shall be posted up in a conspicuous place in each county, in order to give the people the right and power before the proper authorities to have their names inserted? And in addition to that, did not, in four of those counties, your party interpose every obstacle against taking the census, and interfere with the officers whose duty it was to take the census?

Mr. GROW. Can you correct a list until it is made? The law requires a copy of the lists to be posted, and then they could be corrected. I will read the law which required the census and registration, passed 19th February, 1857, which provides that a census shall be taken by the sheriffs of the several counties; and in case there shall be no sheriff, then by the probate judge of the courts; and in case of vacancy in the office of both sheriff and probate judge, the Governor to appoint some competent resident of said county. The duty of the census taker is thus prescribed by the third section of this law:

"It shall be the duty of the sheriff, probate judge, or person appointed by the Governor as herein provided, in each county or election district, on or before the 10th day of April next, to file in the office of the probate judge for such county or election district a full and complete list of all the qualified voters resident in his said county or election district on the 1st day of April, 1857; which list shall exhibit, in a fair and legible hand, the names of all such legal voters."

And in the fifth section it is provided that

"Said probate judge shall remain in session each day, Sundays excepted, from the time of receiving said returns, until the first day of May next, at such place as shall be most convenient to the inhabitants of the county or election district; and proceed to the inspection of said returns, and hear, correct, and finally determine, according to the facts, without unreasonable delay, all questions concerning the omission of any person from said returns, or the improper insertion of any name on said returns, and any other questions affecting the integrity or fidelity of said returns; and for this purpose shall have power to administer oaths and examine witnesses, and compel their attendance in such manner as said judge shall deem necessary."

Now, unless a return was made by the census taker to the probate judge, there would be no list to correct, and of course there was no way for the voter to be registered, and if not registered he could not vote. Nine of those fifteen counties which were disfranchised gave a vote on the 4th of January, as certified to by Governor Denver, of one thousand six hundred and twenty-four against this Constitution.

Mr. CLEMENS. As the gentleman from Pennsylvania is making a fair argument, I desire to ask another question. I put it to the gentleman from Pennsylvania whether, in every county in which a vote was not taken, or in which a registry was not made, the obstacles against taking

a vote and making the registry did not come exclusively from the Free-State party of Kansas?

Mr. GROW. No, sir, not to my knowledge; and in fifteen of those counties which were totally disfranchised, the people of those counties were no way in fault for no census being taken by the officers required by law to do it; and if there was none taken, then they could not vote, as I have shown. The people of some of them. Anderson county in particular, petitioned the Governor, stating that no census had been taken, and asking what they should do. He answered, that he had no power to remedy the omission, but advised them to go on and elect delegates, and that the Convention would undoubtedly receive them. In Anderson they did elect delegates, but the Convention did not receive them.

Under the pretended submission, the 21st of December, there was no opportunity for an expression of opinion on the Constitution; for nothing could be voted on save the future importation of slaves, and that only by swearing to support the Constitution itself, if adopted. Even if they did that, they could only vote on the Slavery clause, that permitted future importation of slaves, with no power whatever to vote Slavery out. For if everybody voted *against* what was called the "Slavery clause," there still remained the clause against which nobody was allowed to vote, viz: "that the rights of property in slaves 'now in this Territory shall in no manner be 'interfered with.' This was *not* submitted; and to make it perpetual, another clause, *not* submitted, provides that by no future "revising, altering, or amending of the Constitution," shall "alteration be made to affect the right of property 'in the ownership of slaves.'"

But I pass on, having shown conclusively from the record that the people of Kansas never had, until the 4th day of January last, a fair opportunity to be heard upon the formation of this Constitution, either in calling the Convention or in the election of delegates. The only time they could vote fairly was on the 4th of January; and yet gentlemen upon this floor insist, that because they did not vote before, their votes then are of no consequence.

Why did they not vote before? First, on account of the test oaths at the time the question of the Convention was voted on. Next, when the delegates to that Convention were elected, more than half the counties were entirely disfranchised; and there were a large number of the Free-State party in the other counties who could not vote. Yet it is asked why, under this state of things, they did not go to the polls and vote. These facts would be a sufficient reason, of themselves, for their abstaining from voting; but, in addition, they were assured that they would have an opportunity to vote on the Constitution itself. They had a right to expect it, by every consideration of fairness and justice, whether they voted for delegates or not. In the State which I have the honor in part to represent, should the question be submitted, whether a Constitutional Convention should be called or not, I may stay from the polls when that ques-

tion is submitted; but when the Constitution is framed, and I desire to vote on it, where is the justice, under our system of Government, of excluding me from voting upon it? Gentlemen have quoted precedents to show that it is not necessary to have a vote on the Constitution. We have been told that the Constitutions of New Jersey and other States were never submitted; and that, therefore, there is no need of submitting a Constitution to the vote of any people.

The gentleman from Rhode Island on my left, [Mr. BRAYTON,] represents a State which, for nearly two centuries, had a charter from Charles the Second as its Constitution, and it never was voted on by the people, and, for over three-quarters of a century after the Declaration of Independence, it continued to be the organic law of Rhode Island; and the argument is, that that being so, there is no need of the people of Kansas voting on their Constitution. New Jersey never voted on her Constitution; therefore, say these precedent finders, why should the people of Kansas be allowed to vote on theirs? If each of the States of the Union had to-day a Constitution that was never submitted to a vote of the people, but was acquiesced in, as framed by the delegates, would that be any reason why, when there are two great parties in a State, differing on fundamental principles, and as to their proposed organic law, a majority of the people ought to be deprived of the chance of voting upon it? We often pass laws here by one vote, or no vote at all, because there is no difference of sentiment on it; but is that any reason why we should not have a chance to vote when we do differ? When there is a general acquiescence by a people in a Constitution, then it is of no consequence whether it be submitted or not; but when a portion of the people demand that it shall be submitted, are they to be told that they are not to exercise the right of voting on it, because some other people did not wish to vote on theirs?

There is no precedent for a Constitution being put in force, in this country, anywhere, without a submission to a vote of the people, if any considerable portion of them desired it, or if there was any great diversity of sentiment as to its essential provisions. That in such a case it is not necessary to submit the Constitution to a vote, is a doctrine asserted for the first time in our history on this Constitution.

What is the difference in a law being passed for a people by a despot, or by nominal representatives, whose acts are beyond the supervision of the constituency?

If such a doctrine is to be established in the politics of this country, we may well ask, are we upon the banks of the Danube and Bosphorus, or on soil drenched by martyr blood in its consecration to Freedom? The disregard of the will of the people, in the refusal to submit their organic law for their approval, if they desire it, is, to me, a despotism equally odious with that of Austria or any other tyranny.

The people of Kansas had a right to expect that the Constitution of the Lecompton Convention would be submitted for approval or rejection.

tion, not only by every consideration of justice and the universally-recognised maxims of free government, but by the pledges of all who were supposed to have any control over the matter.

How could the popular will be so well ascertained as by an election? In no other way are they sure of embodying it, for the reason which the President, in his annual message, states why a Constitution should be submitted:

"The election of delegates to a Convention must necessarily take place in separate districts. From this cause it may readily happen, as has often been the case, that a majority of the people of a State or Territory are on one side of a question, whilst a majority of the representatives from the several districts into which it is divided may be upon the other side. This arises from the fact that in some districts delegates may be elected by small majorities, whilst in others, those of different sentiments may receive majorities sufficiently great not only to overcome the votes given for the former, but to leave a large majority of the whole people in direct opposition to a majority of the delegates. Besides, our history proves that influences may be brought to bear on the representative, sufficiently powerful to induce him to disregard the will of his constituents."

The *Washington Union*, of 7th July, 1857, held the same views as to the duty and propriety of the Constitution of a people being submitted to a vote, if desired:

"Under these circumstances, there can be no such thing as ascertaining clearly and without doubt the will of the people, in any way except by their own direct expression of it at the polls. A Constitution not subjected to that test, no matter what it contains, will never be acknowledged by its opponents to be anything but a fraud." * * *

"We do most devoutly believe that, unless the Constitution of Kansas be submitted to a direct vote of the people, the unhappy controversy which has heretofore raged in that Territory will be prolonged for an indefinite time to come."

Gov. Walker, everywhere in Kansas, pledged his honor, by the approval, as he told the people, of the President and his Cabinet, that the Constitution should be submitted. In his inaugural to the people of Kansas, after quoting his instructions from the President, he says:

"I repeat, then, as my clear conviction, that unless the Convention submit the Constitution to the vote of all the actual settlers of Kansas, and the election be fairly and justly conducted, the Constitution will be, and ought to be, rejected by Congress."

Without stopping for further reference to his inaugural, in which he is most emphatic on this point, I read from a speech of his, delivered at Topeka on the 8th of June, 1857, and published in the *Topeka Statesman* of the 9th:

"At the next election, in October, when you elect the Territorial Legislature, you can repeal these laws; and you can also, by a majority of your own votes, *adapt or reject* the Constitution presented for your consideration next fall. Can

'you not peaceably decide this question in the mode pointed out by the act of Congress, if you, as you can and will, have a full opportunity of recording your vote? [A voice. 'How are we to get it?'] *You will get it by the Convention submitting the Constitution to the vote of the whole people.* [A voice. 'Who is to elect the Convention? That is the grand question.'] Gentlemen, it is a comparatively small point by whom the Constitution is submitted. Don't let us run away after shadows. The great substantial point is this: *Will the whole people of Kansas next fall, by a fair election, impartially and fairly conducted by impartial judges, have an opportunity to decide for themselves what shall be their form of Government, and what shall be their social institutions?* I say they will; but I go a step further. [A voice. 'Have you the power?'] If I have not the power to bring it about, if the Convention will not do it, I will join you in opposition to their proceedings." [Cries of 'Good!' 'good!' 'We hold you to your promise. Nothing can be asked fairer than that.']

These promises were given in the most authoritative forms: first, on the general doctrine of free government, that the people shall have an opportunity to pass on their organic law; and next, they had the positive pledges of the men who had authority to give those pledges. And yet, Judas-like, they were betrayed by a kiss. Governor Walker, in his letter to General Cass, of December 15, 1857, says:

"In truth, I had to choose between arresting that insurrection, at whatever cost of American blood, by the Federal army, or to prevent the terrible catastrophe, as I did, by my pledges to the people, of the exertion of all my power to obtain a fair election, and the submission of the Constitution to the vote of the people, for ratification or rejection." * * * "Not a drop of blood has been shed by the Federal troops in Kansas, during my administration. But insurrection and civil war, extending, I fear, throughout the country, were alone prevented by the course pursued by me on those occasions; and the whole people, abandoning revolutionary violence, were induced by me to go for the first time into a general and peaceful election."

Here, Mr. Chairman, were these rebels—these men whom the President arraigns before the country as opposed to all law and order, and all forms of civil government—who, when your civil officer proclaimed to them that they should have a fair chance to vote, and that they would not be cheated out of their rights by fraud and violence, as they had been before in the whole history of Kansas, said that they asked nothing fairer than that; and they went to the polls, holding your Executive officer to his word; which, had been permitted by the President to keep, there would have been now no disturbance in Kansas.

The Government told them that they would have the privilege of going to the polls and voting for or against the Constitution; yet that right was denied them; and you insist now on consummating the wrong.

These men, whom the President has arraigned

as traitors and rebels, and therefore not to have the rights of freemen, were quieted by the simple declaration that they should have justice. All opposition ceases then, and they follow the course marked out by Governor Walker to pacify Kansas. You could have pacified Kansas in five minutes, at any time within the last four years, by securing to her people a ballot-box free from fraud and violence. It was all they asked. I will read you from the despatches that came to the President, to show that he falsifies the truth of history when he charges these men with rebellion and treason. They have done what American freemen, true to the blood that runs in their veins, and true to the great heritage which they received from their ancestors, should do. They would never submit to a usurpation of their political rights. They believe in the motto of Thomas Jefferson, that "resistance to tyrants is obedience to God."

The President cannot find on record an instance of the people of Kansas ever resisting the laws of the United States. They simply refused to support the Territorial organization. They said, "We will have nothing to do with it; you may go on and administer it as you please; we pay no attention to it, but offer no forcible resistance."

Gov. Shannon, in his despatch to the President, of April 11, 1856, speaking of the Topeka Legislature, says:

"The legislative action of this body was mainly *prospective in its character*, and looks forward to the admission of Kansas into the Union as a State, or to *future legislation*, before their enactments are to be enforced as law."

Gov. Geary, in his farewell to the people of Kansas, bears the following testimony as to the character of this people:

"The great body of the actual citizens are conservative, law-abiding, and peace-loving men, disposed rather to make sacrifices for conciliation, and consequent peace, than to insist for their entire rights, should the general good thereby be caused to suffer."

What was the character of the Government in Kansas, that the President says would have been long since overturned, if he had not maintained it with the army of the United States? Governor Geary, in his despatch to Mr. Marcy, September 9, 1856, (Executive Documents, third session Thirty-fourth Congress, volume 1, part 1, page 88,) says:

"I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim and end is assassination and robbery, infatuated adherents and advocates of conflicting political sentiments and local institutions, and evil-disposed persons, actuated by a desire to obtain elevated positions, but, worst of all, against the influence of men who have been placed in authority, and have employed all the destructive agents around them to promote their own personal interests, at the sacrifice of every just, honorable, and lawful consideration. I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of armed bodies of

men, who, having been enrolled as militia, perpetrate outrages of the most atrocious character, *under shadow of authority from the Territorial Government*. Within a few days, these men have robbed and driven from their houses offending citizens, have fired upon and killed others in their own dwellings, and stolen horses and property under the pretence of employing them in the public service. They have seized persons who had committed no offence, and, after stripping them of all their valuables, placed them on steamers, and sent them out of the Territory.

"In isolated or country places, no man's life is safe. The roads are filled with armed robbers; and murders, for mere plunder, are of daily occurrence. Almost every farm-house is deserted, and no traveller has the temerity to venture upon the highways without an escort."

Same document, page 72, Lieut. McIntosh, of the first cavalry, writes Woodson, Acting Governor at the time, that—

"It is a notorious fact, that some of the band who originally came into this Territory with Colonel Bnford have committed gross outrages; and I can say, with certainty, that there are still small parties of his men now in the Territory, acting in the most lawless manner. * * * Great complaints are constantly made to me of the stoppage of wagons and men on the road, and, in a great many instances, robberies have been committed."

These men are some of the peaceable emigrants that went from the South, each presented by a clergyman of the Palmetto State with a Bible, instead of a Sharpe's rifle.

Same document, page 106, Governor Geary, in a despatch to Mr. Marcy, September 16, 1856, says:

"The whole country was evidently infested with armed bands of marauders, who set all law at defiance, and travelled from place to place, assailing villages, sacking and burning houses, destroying crops, maltreating women and children, driving off and stealing cattle and horses, and murdering harmless men in their own dwellings and on the public highways. * * * Whilst engaged in making preparations for the foregoing expedition, several messengers reached me from Lawrence, announcing that a powerful army was marching upon that place, it being the main body of the militia called into service by the proclamation of Secretary Woodson, when Acting Governor. * * * Twenty-seven hundred men, under the command of Generals Hershell, Reid, Atchison, Richardson, Stringfellow, &c., were encamped on the Wakarusa, about four miles from Lawrence, eager and determined to exterminate that place and all its inhabitants."

Governor Geary, in his message to the Legislature, says:

"There is not a single officer in the Territory amenable to the people or to the Governor; all having been appointed by the Legislature, and holding their offices until 1857. This system of depriving the people of the just exercise of their rights cannot be too strongly condemned."

Governor Geary, in his farewell to the people of Kansas, gives the following picture of its condition:

"I reached Kansas, and entered upon the discharge of my official duties, in the most gloomy hour of her history. Desolation and ruin reigned on every hand. Homes and firesides were deserted. The smoke of burning dwellings darkened the atmosphere. Women and children, driven from their habitations, wandered over the prairies and through the woodlands, or sought refuge and protection among the Indian tribes."

While such was the condition of Kansas, and these wrongs were perpetrated by the acquiescence, if not instigation, of the Administration, its supporters in Pennsylvania called upon the voters in the following language. I read from a handbill for a Democratic meeting, at Millinburg, September 27, 1856:

"Democrats! Whigs! Republicans! turn out and learn the fact that it is the Democratic party that is laboring for Freedom for Kansas, the assertions of opposition orators to the contrary notwithstanding."

Four Governors have returned from the Territory, all telling the same story to the American people; that is, that the rights of the people of Kansas have all been trampled in the dust, the ballot-box violated, their houses burned, their presses destroyed, their public buildings battered down by United States cannon, under the direction of United States officers; yet in the face of the unanimous voice of these men, who have been upon the ground, seen with their own eyes, and heard with their own ears, the President and his adherents insist that they know best what is the condition of Kansas and the will of its people.

Why should this great fraud upon the rights of a people be consummated? What reason can there be, what overshadowing necessity exists, for so great a violation of the principles of free government. The only reason urged by its advocates for sustaining so glaring frauds upon popular rights is, that it will give peace to Kansas, and end the political agitations of the country.

Peace is the siren song that has ever preceded the perpetration of every new outrage upon the sentiments of the North and the rights and interests of free labor. On the 4th of March, 1853, from the steps of yonder portico, the President congratulated the country that "the agitation of the Slavery question was at rest." The troubled waters of past political dissensions had subsided, and not a ripple disturbed the surface. The ark of our covenant reposed on dry ground, and the dove had found a resting place. Every foot of territory then owned by the Federal Government was fixed in its character of slave or free, by some law which Mr. Webster, in his delusion, thought to be irrevocable. And under the then existing judicial decisions and constitutional constructions it was all fixed for Freedom. No note of discord jarred on the universal harmony. The patriot was congratulating himself that the era of good feeling and brotherhood had at last

dawned upon his country. What disturbed this unruffled calm, and again broke up the fountains of the deep?

On the 30th of May, 1854, five hundred thousand square miles of this territory, once consecrated to Freedom forever by the solemn act of our fathers, was opened to the spread of the institutions of human bondage. The passage of the bill, at the dead hour of the night, was heralded from this Capitol by the boom of cannon, since echoed from the plains of Kansas in the sighs of its widows and orphans, and the wail of its martyrs to Freedom. In order to drown these cries, and, if possible, to stifle the awakened sense of justice and the excited sympathies of the humane heart, we are now called upon to perpetrate still another great outrage upon the rights of this people.

Peace among a brave people is not the fruit of injustice, nor does agitation cease by the perpetration of wrong. For a third of a century, the advocates of Slavery, while exercising unrestricted speech in its defence, have struggled to prevent all discussion against it—in the South, by penal statutes, mob law, and brute force; in the North, by dispersing assemblages of peaceable citizens, pelting their lecturers, burning their halls, and destroying their presses; in this forum of the people, by finally resolves, on all laws for the benefit of Slavery, not, however, to affect those in behalf of Freedom, and by attempts to stifle the great constitutional right of the people at all times to petition their Government. Yet, despite threats, mob law, and finally resolves, the discussion goes on, and will continue to, so long as right and wrong, justice and injustice, humanity and inhumanity, shall struggle for supremacy in the affairs of men.

The President makes the same excuse for his treatment of Kansas, that tyrants ever employ in justification of their cruelty and wrong. That is, that the injured and oppressed, because they will not kiss the hand that smites, are rebels and traitors; and the wrong-doer, while perverting the truth and suppressing the facts of history, strives with hard words to heap obloquy and reproach upon the character and motives of men in every way the equal, if not the superior, of the traducer.

All the wrongs of Kansas are sustained by the Administration, because they were perpetrated under the forms of law. Justice and right seem to be of less consequence than forms and precedents. The cruellest tyranny on the face of the earth rests on forms of law where it exists.

The bloodiest pages in the drama of man's existence have been written under the color of law, and too often in the name of Justice and Liberty. The Jew crucified the Saviour because he was a fanatic, and stirred up dissensions among the people. The law and order conservatism of the middle ages ostracised Luther as a heretic, because, while exposing the corruptions of the church and the reigning dynasties, he proclaimed to the people the great truths first taught on the sea shore and along the hill sides of Judea. The *Grüli* of the forest cantons of Switzerland, plan-

ning at the midnight hour, on the banks of Lake Luzerne, the liberties of their country, were, in the eyes of all Europe, rebels against society, and traitors to law and order. The world's reformers have ever been, in the days in which they lived, heretics, fanatics, and agitators; and in most instances have fallen victims to the prevailing prejudices and vices which they combated. Yet such are the retributions of Heaven on earth, that the crucifiers of the world's redeemers have been forced to pay homage at their graves when dead.

The President, in his special message on Kansas, seems to have imbibed the spirit, adopted the tone, temper, and language of George III, in his proclamations and manifestoes against the American Colonies. While thus imitating his great prototype, let him take warning by his example how he forces a wronged and outraged people to appeal to the God of Battles in vindication of their rights, unless he is ambitious of being the Nero of the liberties of his country.

In my judgment, the first gun fired by a United States soldier, in an attempt to force this Le-compton fraud upon the people of Kansas, will light a flame that seas of blood will not be able to extinguish. It will be but the echo of the British musketry in the streets of Boston on the 19th of April, 1775. It would be but another struggle in vindication of the great truth of the Declaration of Independence, that all Governments derive their just powers from the consent of the governed.

From my personal acquaintance with the Free-State men of Kansas, and what I know of their character—these descendants of Warren, Putnam, Greene, and Wayne—when forced, in submitting to injustice and wrong, to a point beyond which endurance ceases to be a virtue, will prove themselves no degenerate sons of noble sires. Whenever any portion of the American people shall become so callous to a sense of justice, and so dead to the rights which belong to freemen, as tamely to submit to a usurpation, by fraud and violence, of all the powers of their Government, then, indeed, will they be fit for slaves.

Mr. Chairman, injustice, once enthroned in power, ever strives, by every device of taunt and jeer, to divert attention from its enormities, and to avoid, if possible, all discussion of its abuses. The weapons of a self-satisfied conservatism, employed since the world began to uphold its injustice and wrong, or to perpetuate its ill-gotten power, has been to excite popular prejudice, by crying "destructive," "agrarian," "leveller," "fanatic," or some other epithet made odious by sceptred cruelty and wrong. Such have

been the arguments of prejudice and power, from the time Socrates swallowed the hemlock, and Galileo quivered on the rack.

The history of to-day proves that power and wrong have not ceased to rely for their support upon attempts to excite the unworthy prejudices of human nature by the clamor of startling and odious epithets. By such means does the President strive to gloss over the blackest page of American history, written within the last four years, by the Administration and its minions, in the woes of Kansas. Its soil is red with the blood of its murdered citizens, and its atmosphere darkened with the smoke of their burning dwellings, while women and children flee to the savage tribes of the wilderness to find protection against their less-merciful white pursuers. With the wrongs of this people unredressed, and their supplications for justice and the rights of freemen still ringing in their ears of the President, he declares that "Kansas has, for some years, occupied too much of the public attention. It is high time this should be directed to far more important objects."

What more important object can this Government have, than to guard the hearthstone of the hardy pioneer, as he goes forth into the wilderness to found new States and build up new Empires? What higher duty has it to perform, than to secure to the citizen—the humblest and most obscure, as well as the highest and most exalted—the rights guaranteed to him by the Constitution of his country? In Kansas, from the first, these have been trampled in the dust. Hence, Kansas has, for some years, occupied the public attention. Is it possible that the Chief Magistrate of the Republic can find any more important object for the attention of the Government than the protection of the rights and liberties of American citizens, ruthlessly violated under the flag of their country, unless the nobler and better impulses of human nature expired in his bosom as the last drop of Democratic blood oozed from his veins?

Kansas wants peace; not the peace of servile submission to brute force, but the peace that justice ever brings. The country wants quiet and repose; not the quiet of the graveyard or the repose of death, but the quiet and repose secured by liberty, maintained by law. But so long as the power of this Government is wielded to fasten an odious despotism upon Kansas, and to propagate the institutions of human bondage, so long there will and can be no peace. You can give peace to Kansas, repose to the country—end forever this Slavery agitation—if you will bring back the Government to the policy of the fathers, and re-establish in its administration their maxims of justice and humanity.

WASHINGTON, D. C.

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